

SENATE BILL No. 218

By Committee on Ways and Means

2-20

1 AN ACT concerning courts; relating to docket fees, court fees and costs;
2 creating the judicial branch docket fee fund; abolishing the judicial
3 branch surcharge fund; amending K.S.A. 5-517 and 20-166 and K.S.A.
4 2012 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-
5 170, 28-172a, 28-172b, 28-177, 28-178, 28-179, 32-1049a, 38-2215,
6 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001, 65-
7 409, 74-7325, 74-7334 and 75-7021 and repealing the existing sections;
8 also repealing K.S.A. 2012 Supp. 20-367.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 5-517 is hereby amended to read as follows: 5-517.
12 There is hereby created the dispute resolution fund in the state treasury
13 which shall be administered by the judicial administrator. All expenditures
14 from the dispute resolution fund shall be for the purpose of carrying out
15 the dispute resolution act. ~~In addition to funds generated by remittances~~
16 ~~under K.S.A. 20-367, and amendments thereto,~~ Funds acquired through
17 grants, training fees, registration and approval fees, and other public or
18 private sources and designated for dispute resolution, shall be remitted to
19 the dispute resolution fund for carrying out the dispute resolution act. All
20 expenditures from the dispute resolution fund shall be made in accordance
21 with appropriation acts upon warrants of the director of accounts and
22 reports issued pursuant to vouchers approved by the judicial administrator
23 or by the judicial administrator's designee.

24 Sec. 2. K.S.A. 2012 Supp. 8-2107 is hereby amended to read as
25 follows: 8-2107. (a) (1) Notwithstanding any other provisions of the
26 uniform act regulating traffic on highways, when a person is stopped by a
27 police officer for any of the offenses described in subsection (d) and such
28 person is not immediately taken before a judge of the district court, the
29 police officer may require the person stopped, subject to the provisions of
30 subsection (c), to deposit with the officer a valid Kansas driver's license in
31 exchange for a receipt therefor issued by such police officer, the form of
32 which shall be approved by the division of vehicles. Such receipt shall be
33 recognized as a valid temporary Kansas driver's license authorizing the
34 operation of a motor vehicle by the person stopped until the date of the
35 hearing stated on the receipt. The driver's license and a written copy of the
36 notice to appear shall be delivered by the police officer to the court having

1 jurisdiction of the offense charged as soon as reasonably possible. If the
2 hearing on such charge is continued for any reason, the judge may note on
3 the receipt the date to which such hearing has been continued and such
4 receipt shall be recognized as a valid temporary Kansas driver's license
5 until such date, but in no event shall such receipt be recognized as a valid
6 Kansas driver's license for a period longer than 30 days from the date set
7 for the original hearing. Any person who has deposited a driver's license
8 with a police officer under this subsection (a) shall have such license
9 returned upon final determination of the charge against such person.

10 (2) In the event the person stopped deposits a valid Kansas driver's
11 license with the police officer and fails to appear in the district court on the
12 date set for appearance, or any continuance thereof, and in any event
13 within 30 days from the date set for the original hearing, the court shall
14 forward such person's driver's license to the division of vehicles with an
15 appropriate explanation attached thereto. Upon receipt of such person's
16 driver's license, the division shall suspend such person's privilege to
17 operate a motor vehicle in this state until such person appears before the
18 court having jurisdiction of the offense charged, the court makes a final
19 disposition thereof and notice of such disposition is given by the court to
20 the division. No new or replacement license shall be issued to any such
21 person until such notice of disposition has been received by the division.
22 The provisions of K.S.A. 8-256, and amendments thereto, limiting the
23 suspension of a license to one year, shall not apply to suspensions for
24 failure to appear as provided in this subsection (a).

25 (b) No person shall apply for a replacement or new driver's license
26 prior to the return of such person's original license which has been
27 deposited in lieu of bond under this section. Violation of this subsection
28 (b) is a class C misdemeanor. The division may suspend such person's
29 driver's license for a period of not to exceed one year from the date the
30 division receives notice of the disposition of the person's charge as
31 provided in subsection (a).

32 (c) (1) In lieu of depositing a valid Kansas driver's license with the
33 stopping police officer as provided in subsection (a), the person stopped
34 may elect to give bond in the amount specified in subsection (d) for the
35 offense for which the person was stopped. When such person does not
36 have a valid Kansas driver's license, such person shall give such bond.
37 Such bond shall be subject to forfeiture if the person stopped does not
38 appear at the court and at the time specified in the written notice provided
39 for in K.S.A. 8-2106, and amendments thereto.

40 (2) Such bond may be a cash bond, a bank card draft from any valid
41 and unexpired credit card approved by the division of vehicles or
42 superintendent of the Kansas highway patrol or a guaranteed arrest bond
43 certificate issued by either a surety company authorized to transact such

1 business in this state or an automobile club authorized to transact business
 2 in this state by the commissioner of insurance. If any of the approved bank
 3 card issuers redeem the bank card draft at a discounted rate, such discount
 4 shall be charged against the amount designated as the fine for the offense.
 5 If such bond is not forfeited, the amount of the bond less the discount rate
 6 shall be reimbursed to the person providing the bond by the use of a bank
 7 card draft. Any such guaranteed arrest bond certificate shall be signed by
 8 the person to whom it is issued and shall contain a printed statement that
 9 such surety company or automobile club guarantees the appearance of
 10 such person and will, in the event of failure of such person to appear in
 11 court at the time of trial, pay any fine or forfeiture imposed on such person
 12 not to exceed an amount to be stated on such certificate.

13 (3) Such cash bond shall be taken in the following manner: The
 14 police officer shall furnish the person stopped a stamped envelope
 15 addressed to the judge or clerk of the court named in the written notice to
 16 appear and the person shall place in such envelope the amount of the bond,
 17 and in the presence of the police officer shall deposit the same in the
 18 United States mail. After such cash payment, the person stopped need not
 19 sign the written notice to appear, but the police officer shall note the
 20 amount of the bond mailed on the notice to appear form and shall give a
 21 copy of such form to the person. If the person stopped furnishes the police
 22 officer with a guaranteed arrest bond certificate or bank card draft, the
 23 police officer shall give such person a receipt therefor and shall note the
 24 amount of the bond on the notice to appear form and give a copy of such
 25 form to the person stopped. Such person need not sign the written notice to
 26 appear, and the police officer shall present the notice to appear and the
 27 guaranteed arrest bond certificate or bank card draft to the court having
 28 jurisdiction of the offense charged as soon as reasonably possible.

29 (d) The offenses for which appearance bonds may be required as
 30 provided in subsection (c) and the amounts thereof shall be as follows:

31 On and after July 1, 1996:

32 Reckless driving.....	\$82
33 Driving when privilege is canceled, suspended or revoked.....	82
34 Failure to comply with lawful order of officer.....	57
35 Registration violation (registered for 12,000 pounds	
36 or less).....	52
37 Registration violation (registered for more than 12,000	
38 pounds).....	92
39 No driver's license for the class of vehicle operated or	
40 violation of restrictions.....	52
41 Spilling load on highway.....	52
42 Transporting open container of alcoholic liquor or cereal malt	
43 beverage accessible while vehicle in motion.....	223

1 (e) In the event of forfeiture of any bond under this section, \$75 of
2 the amount forfeited shall be regarded as a docket fee in any court having
3 jurisdiction over the violation of state law.

4 (f) None of the provisions of this section shall be construed to
5 conflict with the provisions of the nonresident violator compact.

6 (g) When a person is stopped by a police officer for any traffic
7 infraction and the person is a resident of a state which is not a member of
8 the nonresident violator compact, K.S.A. 8-1219 et seq., and amendments
9 thereto, or the person is licensed to drive under the laws of a foreign
10 country, the police officer may require a bond as provided for under
11 subsection (c). The bond shall be in the amount specified in the uniform
12 fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto,
13 plus \$75 which shall be regarded as a docket fee in any court having
14 jurisdiction over the violation of state law.

15 (h) When a person is stopped by a police officer for failure to provide
16 proof of financial security pursuant to K.S.A. 40-3104, and amendments
17 thereto, and the person is a resident of another state or the person is
18 licensed to drive under the laws of a foreign country, the police officer
19 may require a bond as provided for under subsection (c). The bond shall be
20 in the amount of \$75, plus \$75 which shall be regarded as a docket fee in
21 any court having jurisdiction over the violation of state law.

22 (i) Except as provided further, the docket fee established in this
23 section shall be the only fee collected or moneys in the nature of a fee
24 collected for the docket fee. Such fee shall only be established by an act of
25 the legislature and no other authority is established by law or otherwise to
26 collect a fee. On and after ~~the effective date of this act through June 30,~~
27 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
28 additional charge, not to exceed \$22 per docket fee, to fund the costs of
29 non-judicial personnel.

30 Sec. 3. K.S.A. 2012 Supp. 8-2110 is hereby amended to read as
31 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
32 either to: (1) Appear before any district or municipal court in response to a
33 traffic citation and pay in full any fine and court costs imposed; or (2)
34 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
35 amendments thereto. Failure to comply with a traffic citation is a
36 misdemeanor, regardless of the disposition of the charge for which such
37 citation was originally issued.

38 (b)-(†) In addition to penalties of law applicable under subsection (a),
39 when a person fails to comply with a traffic citation, except for illegal
40 parking, standing or stopping, the district or municipal court in which the
41 person should have complied with the citation shall mail notice to the
42 person that if the person does not appear in district or municipal court or
43 pay all fines, court costs and any penalties within 30 days from the date of

1 mailing notice, the division of vehicles will be notified to suspend the
2 person's driving privileges. The district or municipal court may charge an
3 additional fee of \$5 for mailing such notice. Upon the person's failure to
4 comply within such 30 days of mailing notice, the district or municipal
5 court shall electronically notify the division of vehicles. Upon receipt of a
6 report of a failure to comply with a traffic citation under this subsection,
7 pursuant to K.S.A. 8-255, and amendments thereto, the division of
8 vehicles shall notify the violator and suspend the license of the violator
9 until satisfactory evidence of compliance with the terms of the traffic
10 citation has been furnished to the informing court. When the court
11 determines the person has complied with the terms of the traffic citation,
12 the court shall immediately electronically notify the division of vehicles of
13 such compliance. Upon receipt of notification of such compliance from the
14 informing court, the division of vehicles shall terminate the suspension or
15 suspension action.

16 ~~(2) (A) In lieu of suspension under paragraph (1), the driver may~~
17 ~~submit to the division of vehicles a written request for restricted driving~~
18 ~~privileges, with a non-refundable \$25 application fee, to be applied by the~~
19 ~~division of vehicles for additional administrative costs to implement~~
20 ~~restricted driving privileges. The division shall remit all restricted driving~~
21 ~~privilege application fees to the state treasurer in accordance with the~~
22 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~
23 ~~each such remittance, the state treasurer shall deposit the entire amount in~~
24 ~~the state treasury to the credit of the division of vehicles operating fund.~~

25 ~~(B) Upon review and approval of the driver's eligibility, the driving~~
26 ~~privileges will be restricted by the division of vehicles for a period up to~~
27 ~~one year or until the terms of the traffic citation have been complied with~~
28 ~~and the court shall immediately electronically notify the division of~~
29 ~~vehicles of such compliance. If the driver fails to comply with the traffic~~
30 ~~citation within the one year restricted period, the driving privileges will be~~
31 ~~suspended by the division of vehicles until the court determines the person~~
32 ~~has complied with the terms of the traffic citation and the court shall~~
33 ~~immediately electronically notify the division of vehicles of such~~
34 ~~compliance. Upon receipt of notification of such compliance from the~~
35 ~~informing court, the division of vehicles shall terminate the suspension~~
36 ~~action. When restricted driving privileges are approved pursuant to this~~
37 ~~section, the person's driving privileges shall be restricted to driving only~~
38 ~~under the following circumstances: (i) In going to or returning from the~~
39 ~~person's place of employment or schooling; (ii) in the course of the~~
40 ~~person's employment; (iii) during a medical emergency; and (iv) in going~~
41 ~~to and returning from probation or parole meetings, drug or alcohol~~
42 ~~counseling or any place the person is required to go by a court. The~~
43 ~~provisions of this paragraph shall expire on January 1, 2012.~~

1 (c) Except as provided in subsection (d), when the district or
2 municipal court notifies the division of vehicles of a failure to comply with
3 a traffic citation pursuant to subsection (b), the court shall assess a
4 reinstatement fee of \$59 for each charge on which the person failed to
5 make satisfaction regardless of the disposition of the charge for which
6 such citation was originally issued and regardless of any application for
7 restricted driving privileges. Such reinstatement fee shall be in addition to
8 any fine, restricted driving privilege application fee, district or municipal
9 court costs and other penalties. The court shall remit all reinstatement fees
10 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
11 and amendments thereto. Upon receipt of each such remittance, the state
12 treasurer shall deposit the entire amount in the state treasury and shall
13 credit 42.37% of such moneys to the division of vehicles operating fund,
14 31.78% to the community alcoholism and intoxication programs fund
15 created by K.S.A. 41-1126, and amendments thereto, 10.59% to the
16 juvenile detention facilities fund created by K.S.A. 79-4803, and
17 amendments thereto, and 15.26% to the judicial branch nonjudicial salary
18 adjustment fund created by K.S.A. 2012 Supp. 20-1a15, and amendments
19 thereto.

20 (d) The district court or municipal court shall waive the reinstatement
21 fee provided for in subsection (c), if the failure to comply with a traffic
22 citation was the result of such person enlisting in or being drafted into the
23 armed services of the United States, being called into service as a member
24 of a reserve component of the military service of the United States, or
25 volunteering for such active duty, or being called into service as a member
26 of the state of Kansas national guard, or volunteering for such active duty,
27 and being absent from Kansas because of such military service. In any
28 case of a failure to comply with a traffic citation which occurred on or
29 after August 1, 1990, and prior to the effective date of this act, in which a
30 person was assessed and paid a reinstatement fee and the person failed to
31 comply with a traffic citation because the person was absent from Kansas
32 because of any such military service, the reinstatement fee shall be
33 reimbursed to such person upon application therefor. The state treasurer
34 and the director of accounts and reports shall prescribe procedures for all
35 such reimbursement payments and shall create appropriate accounts, make
36 appropriate accounting entries and issue such appropriate vouchers and
37 warrants as may be required to make such reimbursement payments.

38 (e) Except as provided further, the reinstatement fee established in
39 this section shall be the only fee collected or moneys in the nature of a fee
40 collected for such reinstatement. Such fee shall only be established by an
41 act of the legislature and no other authority is established by law or
42 otherwise to collect a fee. On and after ~~the effective date of this act~~
43 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme

1 court may impose an additional charge, not to exceed \$22 per
2 reinstatement fee, to fund the costs of non-judicial personnel.

3 Sec. 4. K.S.A. 20-166 is hereby amended to read as follows: 20-166.

4 (a) There is hereby created in the state treasury the access to justice fund.
5 Money credited to the fund ~~pursuant to K.S.A. 20-362, and amendments~~
6 ~~thereto~~, shall be used solely for the purpose of making grants for operating
7 expenses to programs, including dispute resolution programs, which
8 provide access to the Kansas civil justice system for persons who would
9 otherwise be unable to gain access to civil justice. Such programs may
10 provide legal assistance to pro se litigants, legal counsel for civil and
11 domestic matters or other legal or dispute resolution services provided the
12 recipient of the assistance or counsel meets financial qualifications under
13 guidelines established by the program in accordance with grant guidelines
14 promulgated by the supreme court of Kansas.

15 (b) All expenditures from the access to justice fund shall be made in
16 accordance with appropriations acts upon warrants of the director of
17 accounts and reports issued pursuant to vouchers approved by the chief
18 justice of the Kansas supreme court or by a person or persons designated
19 by the chief justice.

20 (c) The chief justice may apply for, receive and accept money from
21 any source for the purposes for which money in the access to justice fund
22 may be expended. Upon receipt of each such remittance, the chief justice
23 shall remit the entire amount to the state treasurer in accordance with the
24 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
25 each such remittance, the state treasurer shall deposit the entire amount in
26 the state treasury to the credit of the access to justice fund.

27 (d) Grants made to programs pursuant to this section shall be based
28 on the number of persons to be served and such other requirements as may
29 be established by the Kansas supreme court in guidelines established and
30 promulgated to regulate grants made under authority of this section. The
31 guidelines may include requirements for grant applications, organizational
32 characteristics, reporting and auditing criteria and such other standards for
33 eligibility and accountability as are deemed advisable by the supreme
34 court.

35 Sec. 5. K.S.A. 2012 Supp. 20-362 is hereby amended to read as
36 follows: 20-362. The clerk of the district court shall remit all revenues
37 received from docket fees as follows:

38 (a) At least monthly to the county treasurer, for deposit in the county
39 treasury and credit to the county general fund:

40 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
41 60-2001 and 60-3005, and amendments thereto, during the preceding
42 calendar month;

43 (2) a sum equal to \$10 for each \$46 or \$76 docket fee paid pursuant

1 to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and amendments
2 thereto; and

3 (3) a sum equal to \$5 for each \$26 docket fee paid pursuant to K.S.A.
4 61-4001 or K.S.A. 61-2704, and amendments thereto, during the preceding
5 calendar month.

6 (b) At least monthly to the board of trustees of the county law library
7 fund, for deposit in the fund, a sum equal to the library fees paid during the
8 preceding calendar month for cases filed in the county.

9 (c) At least monthly to the county treasurer, for deposit in the county
10 treasury and credit to the prosecuting attorneys' training fund, a sum equal
11 to \$2 for each docket fee paid pursuant to K.S.A. 28-172a, and
12 amendments thereto, during the preceding calendar month for cases filed
13 in the county and a sum equal to \$1 for each fee paid pursuant to
14 subsection (c) of K.S.A. 28-170, and amendments thereto, during the
15 preceding calendar month for cases filed in the county.

16 ~~(d) To the state treasurer, in accordance with the provisions of K.S.A.~~
17 ~~75-4215, and amendments thereto, for deposit in the state treasury and~~
18 ~~credit to the indigents' defense services fund, a sum equal to \$.50 for each~~
19 ~~docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of K.S.A.~~
20 ~~28-170, and amendments thereto, during the preceding calendar month.~~

21 (e) To the state treasurer, in accordance with the provisions of K.S.A.
22 75-4215, and amendments thereto, for deposit in the state treasury and
23 credit to the law enforcement training center fund a sum equal to \$15 for
24 each docket fee paid pursuant to K.S.A. 28-172a, and amendments thereto,
25 during the preceding calendar month.

26 ~~(f) To the state treasurer, in accordance with the provisions of K.S.A.~~
27 ~~75-4215, and amendments thereto, for deposit in the state treasury and~~
28 ~~credit to the judicial branch surcharge fund a sum equal to the amount~~
29 ~~collected for credit to that fund, as provided by supreme court rule.~~

30 ~~(g) (e)~~ (e) To the state treasurer, in accordance with the provisions of
31 K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury
32 and distribution according to K.S.A. 20-367, and amendments thereto, a
33 sum equal to the balance which remains from all docket fees paid during
34 the preceding calendar month after deduction of the amounts specified in
35 subsections (a), (b), (c), (d), (e) and (f) to the credit of the judicial branch
36 docket fee fund.

37 Sec. 6. K.S.A. 2012 Supp. 21-6614 is hereby amended to read as
38 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d) and
39 (e), any person convicted in this state of a traffic infraction, cigarette or
40 tobacco infraction, misdemeanor or a class D or E felony, or for crimes
41 committed on or after July 1, 1993, nondrug crimes ranked in severity
42 levels 6 through 10, or for crimes committed on or after July 1, 1993, but
43 prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,

1 or for crimes committed on or after July 1, 2012, any felony ranked in
2 severity level 5 of the drug grid may petition the convicting court for the
3 expungement of such conviction or related arrest records if three or more
4 years have elapsed since the person: (A) Satisfied the sentence imposed; or
5 (B) was discharged from probation, a community correctional services
6 program, parole, postrelease supervision, conditional release or a
7 suspended sentence.

8 (2) Except as provided in subsections (b), (c), (d) and (e), any person
9 who has fulfilled the terms of a diversion agreement may petition the
10 district court for the expungement of such diversion agreement and related
11 arrest records if three or more years have elapsed since the terms of the
12 diversion agreement were fulfilled.

13 (b) Except as provided in subsections (c), (d) and (e), no person may
14 petition for expungement until five or more years have elapsed since the
15 person satisfied the sentence imposed, the terms of a diversion agreement
16 or was discharged from probation, a community correctional services
17 program, parole, postrelease supervision, conditional release or a
18 suspended sentence, if such person was convicted of a class A, B or C
19 felony, or for crimes committed on or after July 1, 1993, if convicted of an
20 off-grid felony or any nondrug crime ranked in severity levels 1 through 5,
21 or for crimes committed on or after July 1, 1993, but prior to July 1, 2012,
22 any felony ranked in severity levels 1 through 3 of the drug grid, or for
23 crimes committed on or after July 1, 2012, any felony ranked in severity
24 levels 1 through 4 of the drug grid, or:

25 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
26 repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto, or as
27 prohibited by any law of another state which is in substantial conformity
28 with that statute;

29 (2) driving while the privilege to operate a motor vehicle on the
30 public highways of this state has been canceled, suspended or revoked, as
31 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
32 any law of another state which is in substantial conformity with that
33 statute;

34 (3) perjury resulting from a violation of K.S.A. 8-261a, and
35 amendments thereto, or resulting from the violation of a law of another
36 state which is in substantial conformity with that statute;

37 (4) violating the provisions of the fifth clause of K.S.A. 8-142, and
38 amendments thereto, relating to fraudulent applications or violating the
39 provisions of a law of another state which is in substantial conformity with
40 that statute;

41 (5) any crime punishable as a felony wherein a motor vehicle was
42 used in the perpetration of such crime;

43 (6) failing to stop at the scene of an accident and perform the duties

1 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and
2 amendments thereto, or required by a law of another state which is in
3 substantial conformity with those statutes;

4 (7) violating the provisions of K.S.A. 40-3104, and amendments
5 thereto, relating to motor vehicle liability insurance coverage; or

6 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

7 (c) No person may petition for expungement until 10 or more years
8 have elapsed since the person satisfied the sentence imposed, the terms of
9 a diversion agreement or was discharged from probation, a community
10 correctional services program, parole, postrelease supervision, conditional
11 release or a suspended sentence, if such person was convicted of a
12 violation of K.S.A. 8-1567, and amendments thereto, including any
13 diversion for such violation.

14 (d) There shall be no expungement of convictions for the following
15 offenses or of convictions for an attempt to commit any of the following
16 offenses:

17 (1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
18 2012 Supp. 21-5503, and amendments thereto;

19 (2) indecent liberties with a child or aggravated indecent liberties
20 with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
21 or K.S.A. 2012 Supp. 21-5506, and amendments thereto;

22 (3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of
23 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
24 2012 Supp. 21-5504, and amendments thereto;

25 (4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior
26 to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

27 (5) indecent solicitation of a child or aggravated indecent solicitation
28 of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal,
29 or K.S.A. 2012 Supp. 21-5508, and amendments thereto;

30 (6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior
31 to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

32 (7) aggravated incest, as defined in K.S.A. 21-3603, prior to its
33 repeal, or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

34 (8) endangering a child or aggravated endangering a child, as defined
35 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2012 Supp.
36 21-5601, and amendments thereto;

37 (9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal,
38 or K.S.A. 2012 Supp. 21-5602, and amendments thereto;

39 (10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal,
40 or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

41 (11) murder in the first degree, as defined in K.S.A. 21-3401, prior to
42 its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

43 (12) murder in the second degree, as defined in K.S.A. 21-3402, prior

1 to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

2 (13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to
3 its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

4 (14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to
5 its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

6 (15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,
7 or K.S.A. 2012 Supp. 21-5505, and amendments thereto, when the victim
8 was less than 18 years of age at the time the crime was committed;

9 (16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to
10 its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

11 (17) a violation of K.S.A. 8-2,144, and amendments thereto,
12 including any diversion for such violation; or

13 (18) any conviction for any offense in effect at any time prior to July
14 1, 2011, that is comparable to any offense as provided in this subsection.

15 (e) Notwithstanding any other law to the contrary, for any offender
16 who is required to register as provided in the Kansas offender registration
17 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
18 expungement of any conviction or any part of the offender's criminal
19 record while the offender is required to register as provided in the Kansas
20 offender registration act.

21 (f) (1) When a petition for expungement is filed, the court shall set a
22 date for a hearing of such petition and shall cause notice of such hearing to
23 be given to the prosecutor and the arresting law enforcement agency. The
24 petition shall state the:

25 (A) Defendant's full name;

26 (B) full name of the defendant at the time of arrest, conviction or
27 diversion, if different than the defendant's current name;

28 (C) defendant's sex, race and date of birth;

29 (D) crime for which the defendant was arrested, convicted or
30 diverted;

31 (E) date of the defendant's arrest, conviction or diversion; and

32 (F) identity of the convicting court, arresting law enforcement
33 authority or diverting authority.

34 (2) Except as otherwise provided by law, a petition for expungement
35 shall be accompanied by a docket fee in the amount of \$100. On and after
36 ~~April 12, 2012, through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
37 the supreme court may impose a charge, not to exceed \$19 per case, to
38 fund the costs of non-judicial personnel. The charge established in this
39 section shall be the only fee collected or moneys in the nature of a fee
40 collected for the case. Such charge shall only be established by an act of
41 the legislature and no other authority is established by law or otherwise to
42 collect a fee.

43 (3) All petitions for expungement shall be docketed in the original

1 criminal action. Any person who may have relevant information about the
2 petitioner may testify at the hearing. The court may inquire into the
3 background of the petitioner and shall have access to any reports or
4 records relating to the petitioner that are on file with the secretary of
5 corrections or the prisoner review board.

6 (g) At the hearing on the petition, the court shall order the petitioner's
7 arrest record, conviction or diversion expunged if the court finds that:

8 (1) The petitioner has not been convicted of a felony in the past two
9 years and no proceeding involving any such crime is presently pending or
10 being instituted against the petitioner;

11 (2) the circumstances and behavior of the petitioner warrant the
12 expungement; and

13 (3) the expungement is consistent with the public welfare.

14 (h) When the court has ordered an arrest record, conviction or
15 diversion expunged, the order of expungement shall state the information
16 required to be contained in the petition. The clerk of the court shall send a
17 certified copy of the order of expungement to the Kansas bureau of
18 investigation which shall notify the federal bureau of investigation, the
19 secretary of corrections and any other criminal justice agency which may
20 have a record of the arrest, conviction or diversion. After the order of
21 expungement is entered, the petitioner shall be treated as not having been
22 arrested, convicted or diverted of the crime, except that:

23 (1) Upon conviction for any subsequent crime, the conviction that
24 was expunged may be considered as a prior conviction in determining the
25 sentence to be imposed;

26 (2) the petitioner shall disclose that the arrest, conviction or diversion
27 occurred if asked about previous arrests, convictions or diversions:

28 (A) In any application for licensure as a private detective, private
29 detective agency, certification as a firearms trainer pursuant to K.S.A.
30 2012 Supp. 75-7b21, and amendments thereto, or employment as a
31 detective with a private detective agency, as defined by K.S.A. 75-7b01,
32 and amendments thereto; as security personnel with a private patrol
33 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
34 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
35 the *Kansas department of social and rehabilitation for aging and disability*
36 *services*;

37 (B) in any application for admission, or for an order of reinstatement,
38 to the practice of law in this state;

39 (C) to aid in determining the petitioner's qualifications for
40 employment with the Kansas lottery or for work in sensitive areas within
41 the Kansas lottery as deemed appropriate by the executive director of the
42 Kansas lottery;

43 (D) to aid in determining the petitioner's qualifications for executive

1 director of the Kansas racing and gaming commission, for employment
2 with the commission or for work in sensitive areas in parimutuel racing as
3 deemed appropriate by the executive director of the commission, or to aid
4 in determining qualifications for licensure or renewal of licensure by the
5 commission;

6 (E) to aid in determining the petitioner's qualifications for the
7 following under the Kansas expanded lottery act: (i) Lottery gaming
8 facility manager or prospective manager, racetrack gaming facility
9 manager or prospective manager, licensee or certificate holder; or (ii) an
10 officer, director, employee, owner, agent or contractor thereof;

11 (F) upon application for a commercial driver's license under K.S.A.
12 8-2,125 through 8-2,142, and amendments thereto;

13 (G) to aid in determining the petitioner's qualifications to be an
14 employee of the state gaming agency;

15 (H) to aid in determining the petitioner's qualifications to be an
16 employee of a tribal gaming commission or to hold a license issued
17 pursuant to a tribal-state gaming compact;

18 (I) in any application for registration as a broker-dealer, agent,
19 investment adviser or investment adviser representative all as defined in
20 K.S.A. 17-12a102, and amendments thereto;

21 (J) in any application for employment as a law enforcement officer as
22 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

23 (K) for applications received on and after July 1, 2006, to aid in
24 determining the petitioner's qualifications for a license to carry a concealed
25 weapon pursuant to the personal and family protection act, K.S.A. 2012
26 Supp. 75-7c01 et seq., and amendments thereto;

27 (3) the court, in the order of expungement, may specify other
28 circumstances under which the conviction is to be disclosed;

29 (4) the conviction may be disclosed in a subsequent prosecution for
30 an offense which requires as an element of such offense a prior conviction
31 of the type expunged; and

32 (5) upon commitment to the custody of the secretary of corrections,
33 any previously expunged record in the possession of the secretary of
34 corrections may be reinstated and the expungement disregarded, and the
35 record continued for the purpose of the new commitment.

36 (i) Whenever a person is convicted of a crime, pleads guilty and pays
37 a fine for a crime, is placed on parole, postrelease supervision or
38 probation, is assigned to a community correctional services program, is
39 granted a suspended sentence or is released on conditional release, the
40 person shall be informed of the ability to expunge the arrest records or
41 conviction. Whenever a person enters into a diversion agreement, the
42 person shall be informed of the ability to expunge the diversion.

43 (j) Subject to the disclosures required pursuant to subsection (h), in

1 any application for employment, license or other civil right or privilege, or
2 any appearance as a witness, a person whose arrest records, conviction or
3 diversion of a crime has been expunged under this statute may state that
4 such person has never been arrested, convicted or diverted of such crime,
5 but the expungement of a felony conviction does not relieve an individual
6 of complying with any state or federal law relating to the use or possession
7 of firearms by persons convicted of a felony.

8 (k) Whenever the record of any arrest, conviction or diversion has
9 been expunged under the provisions of this section or under the provisions
10 of any other existing or former statute, the custodian of the records of
11 arrest, conviction, diversion and incarceration relating to that crime shall
12 not disclose the existence of such records, except when requested by:

13 (1) The person whose record was expunged;

14 (2) a private detective agency or a private patrol operator, and the
15 request is accompanied by a statement that the request is being made in
16 conjunction with an application for employment with such agency or
17 operator by the person whose record has been expunged;

18 (3) a court, upon a showing of a subsequent conviction of the person
19 whose record has been expunged;

20 (4) ~~the secretary of social and rehabilitation~~ *for aging and disability*
21 *services, or a designee of the secretary, for the purpose of obtaining*
22 *information relating to employment in an institution, as defined in K.S.A.*
23 *76-12a01, and amendments thereto, of the Kansas department of social*
24 ~~and rehabilitation~~ *for aging and disability services of any person whose*
25 *record has been expunged;*

26 (5) a person entitled to such information pursuant to the terms of the
27 expungement order;

28 (6) a prosecutor, and such request is accompanied by a statement that
29 the request is being made in conjunction with a prosecution of an offense
30 that requires a prior conviction as one of the elements of such offense;

31 (7) the supreme court, the clerk or disciplinary administrator thereof,
32 the state board for admission of attorneys or the state board for discipline
33 of attorneys, and the request is accompanied by a statement that the
34 request is being made in conjunction with an application for admission, or
35 for an order of reinstatement, to the practice of law in this state by the
36 person whose record has been expunged;

37 (8) the Kansas lottery, and the request is accompanied by a statement
38 that the request is being made to aid in determining qualifications for
39 employment with the Kansas lottery or for work in sensitive areas within
40 the Kansas lottery as deemed appropriate by the executive director of the
41 Kansas lottery;

42 (9) the governor or the Kansas racing and gaming commission, or a
43 designee of the commission, and the request is accompanied by a

1 statement that the request is being made to aid in determining
2 qualifications for executive director of the commission, for employment
3 with the commission, for work in sensitive areas in parimutuel racing as
4 deemed appropriate by the executive director of the commission or for
5 licensure, renewal of licensure or continued licensure by the commission;

6 (10) the Kansas racing and gaming commission, or a designee of the
7 commission, and the request is accompanied by a statement that the
8 request is being made to aid in determining qualifications of the following
9 under the Kansas expanded lottery act: (A) Lottery gaming facility
10 managers and prospective managers, racetrack gaming facility managers
11 and prospective managers, licensees and certificate holders; and (B) their
12 officers, directors, employees, owners, agents and contractors;

13 (11) the Kansas sentencing commission;

14 (12) the state gaming agency, and the request is accompanied by a
15 statement that the request is being made to aid in determining
16 qualifications: (A) To be an employee of the state gaming agency; or (B)
17 to be an employee of a tribal gaming commission or to hold a license
18 issued pursuant to a tribal-gaming compact;

19 (13) the Kansas securities commissioner or a designee of the
20 commissioner, and the request is accompanied by a statement that the
21 request is being made in conjunction with an application for registration as
22 a broker-dealer, agent, investment adviser or investment adviser
23 representative by such agency and the application was submitted by the
24 person whose record has been expunged;

25 (14) the Kansas commission on peace officers' standards and training
26 and the request is accompanied by a statement that the request is being
27 made to aid in determining certification eligibility as a law enforcement
28 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

29 (15) a law enforcement agency and the request is accompanied by a
30 statement that the request is being made to aid in determining eligibility
31 for employment as a law enforcement officer as defined by K.S.A. 22-
32 2202, and amendments thereto;

33 (16) the attorney general and the request is accompanied by a
34 statement that the request is being made to aid in determining
35 qualifications for a license to carry a concealed weapon pursuant to the
36 personal and family protection act; or

37 (17) the Kansas bureau of investigation for the purposes of:

38 (A) Completing a person's criminal history record information within
39 the central repository, in accordance with K.S.A. 22-4701 et seq., and
40 amendments thereto; or

41 (B) providing information or documentation to the federal bureau of
42 investigation, in connection with the national instant criminal background
43 check system, to determine a person's qualification to possess a firearm.

1 (l) The provisions of subsection (k)(17) shall apply to records created
2 prior to, on and after July 1, 2011.

3 Sec. 7. K.S.A. 2012 Supp. 22-2410 is hereby amended to read as
4 follows: 22-2410. (a) Any person who has been arrested in this state may
5 petition the district court for the expungement of such arrest record.

6 (b) When a petition for expungement is filed, the court shall set a date
7 for hearing on such petition and shall cause notice of such hearing to be
8 given to the prosecuting attorney and the arresting law enforcement
9 agency. When a petition for expungement is filed, the official court file
10 shall be separated from the other records of the court, and shall be
11 disclosed only to a judge of the court and members of the staff of the court
12 designated by a judge of the district court, the prosecuting attorney, the
13 arresting law enforcement agency, or any other person when authorized by
14 a court order, subject to any conditions imposed by the order. Except as
15 otherwise provided by law, a petition for expungement shall be
16 accompanied by a docket fee in the amount of \$100. Except as provided
17 further, the docket fee established in this section shall be the only fee
18 collected or moneys in the nature of a fee collected for the docket fee.
19 Such fee shall only be established by an act of the legislature and no other
20 authority is established by law or otherwise to collect a fee. On and after
21 ~~the effective date of this act through June 30, 2013~~ *July 1, 2103, through*
22 *July 1, 2015*, the supreme court may impose an additional charge, not to
23 exceed \$19 per docket fee, to fund the costs of non-judicial personnel. The
24 petition shall state:

25 (1) The petitioner's full name;

26 (2) the full name of the petitioner at the time of arrest, if different
27 than the petitioner's current name;

28 (3) the petitioner's sex, race and date of birth;

29 (4) the crime for which the petitioner was arrested;

30 (5) the date of the petitioner's arrest; and

31 (6) the identity of the arresting law enforcement agency.

32 No surcharge or fee shall be imposed to any person filing a petition
33 pursuant to this section, who was arrested as a result of being a victim of
34 identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of
35 K.S.A. 2012 Supp. 21-6107, and amendments thereto, or who has had
36 criminal charges dismissed because a court has found that there was no
37 probable cause for the arrest, the petitioner was found not guilty in court
38 proceedings or the charges have been dismissed. Any person who may
39 have relevant information about the petitioner may testify at the hearing.
40 The court may inquire into the background of the petitioner.

41 (c) At the hearing on a petition for expungement, the court shall order
42 the arrest record and subsequent court proceedings, if any, expunged upon
43 finding: (1) The arrest occurred because of mistaken identity;

1 (2) a court has found that there was no probable cause for the arrest;
2 (3) the petitioner was found not guilty in court proceedings; or
3 (4) the expungement would be in the best interests of justice and: (A)
4 Charges have been dismissed; or (B) no charges have been or are likely to
5 be filed.

6 (d) When the court has ordered expungement of an arrest record and
7 subsequent court proceedings, if any, the order shall state the information
8 required to be stated in the petition and shall state the grounds for
9 expungement under subsection (c). The clerk of the court shall send a
10 certified copy of the order to the Kansas bureau of investigation which
11 shall notify the federal bureau of investigation, the secretary of corrections
12 and any other criminal justice agency which may have a record of the
13 arrest. If an order of expungement is entered, the petitioner shall be treated
14 as not having been arrested.

15 (e) If the ground for expungement is as provided in subsection (c)(4),
16 the court shall determine whether, in the interests of public welfare, the
17 records should be available for any of the following purposes: (1) In any
18 application for employment as a detective with a private detective agency,
19 as defined in K.S.A. 75-7b01, and amendments thereto; as security
20 personnel with a private patrol operator, as defined by K.S.A. 75-7b01,
21 and amendments thereto; or with an institution, as defined in K.S.A. 76-
22 12a01, and amendments thereto, of the department of social and
23 rehabilitation services;

24 (2) in any application for admission, or for an order of reinstatement,
25 to the practice of law in this state;

26 (3) to aid in determining the petitioner's qualifications for
27 employment with the Kansas lottery or for work in sensitive areas within
28 the Kansas lottery as deemed appropriate by the executive director of the
29 Kansas lottery;

30 (4) to aid in determining the petitioner's qualifications for executive
31 director of the Kansas racing commission, for employment with the
32 commission or for work in sensitive areas in parimutuel racing as deemed
33 appropriate by the executive director of the commission, or to aid in
34 determining qualifications for licensure or renewal of licensure by the
35 commission;

36 (5) in any application for a commercial driver's license under K.S.A.
37 8-2,125 through 8-2,142, and amendments thereto;

38 (6) to aid in determining the petitioner's qualifications to be an
39 employee of the state gaming agency;

40 (7) to aid in determining the petitioner's qualifications to be an
41 employee of a tribal gaming commission or to hold a license issued
42 pursuant to a tribal-state gaming compact; or

43 (8) in any other circumstances which the court deems appropriate.

1 (f) The court shall make all expunged records and related information
2 in such court's possession, created prior to, on and after July 1, 2011,
3 available to the Kansas bureau of investigation for the purposes of:

4 (1) Completing a person's criminal history record information within
5 the central repository in accordance with K.S.A. 22-4701 et seq., and
6 amendments thereto; or

7 (2) providing information or documentation to the federal bureau of
8 investigation, in connection with the national instant criminal background
9 check system, to determine a person's qualification to possess a firearm.

10 (g) Subject to any disclosures required under subsection (e), in any
11 application for employment, license or other civil right or privilege, or any
12 appearance as a witness, a person whose arrest records have been
13 expunged as provided in this section may state that such person has never
14 been arrested.

15 (h) Whenever a petitioner's arrest records have been expunged as
16 provided in this section, the custodian of the records of arrest,
17 incarceration due to arrest or court proceedings related to the arrest, shall
18 not disclose the arrest or any information related to the arrest, except as
19 directed by the order of expungement or when requested by the person
20 whose arrest record was expunged.

21 (i) The docket fee collected at the time the petition for expungement
22 is filed shall be disbursed in accordance with K.S.A. 20-362, and
23 amendments thereto.

24 Sec. 8. K.S.A. 2012 Supp. 23-2510 is hereby amended to read as
25 follows: 23-2510. (a) The judge or clerk of the district court shall collect
26 from the applicant for a marriage license a fee of \$59.

27 (b) The clerk of the court shall remit all fees prescribed by this
28 section to the state treasurer in accordance with the provisions of K.S.A.
29 75-4215, and amendments thereto. Upon receipt of each such remittance,
30 the state treasurer shall deposit the entire amount in the state treasury. Of
31 each remittance, the state treasurer shall credit 38.98% to the protection
32 from abuse fund, 15.19% to the family and children trust account of the
33 family and children investment fund created by K.S.A. 38-1808, and
34 amendments thereto, 16.95% to the crime victims assistance fund created
35 by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial
36 branch nonjudicial salary adjustment fund created by K.S.A. 2012 Supp.
37 20-1a15, and amendments thereto, and the remainder to the state general
38 fund.

39 (c) Except as provided further, the marriage license fee established in
40 this section shall be the only fee collected or moneys in the nature of a fee
41 collected for a marriage license. Such fee shall only be established by an
42 act of the legislature and no other authority is established by law or
43 otherwise to collect a fee. On and after ~~the effective date of this act~~

1 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
 2 court may impose an additional charge, not to exceed \$26.50 per marriage
 3 license fee, to fund the costs of non-judicial personnel.

4 Sec. 9. K.S.A. 2012 Supp. 28-170 is hereby amended to read as
 5 follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and
 6 amendments thereto, and the fees for service of process, shall be the only
 7 costs assessed for services of the clerk of the district court and the sheriff
 8 in any case filed under chapter 60 or chapter 61 of the Kansas Statutes
 9 Annotated, and amendments thereto, except that no fee shall be charged
 10 for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-
 11 31a01 et seq., and amendments thereto. For services in other matters in
 12 which no other fee is prescribed by statute, the following fees shall be
 13 charged and collected by the clerk. Only one fee shall be charged for each
 14 bond, lien or judgment:

- 15 1. For filing, entering and releasing a bond, mechanic's lien, notice of
 16 intent to perform, personal property tax judgment or any judgment on
 17 which execution process cannot be issued..... \$14
- 18 2. For filing, entering and releasing a judgment of a court of this state on
 19 which execution or other process can be issued..... \$24
- 20 3. For a certificate, or for copying or certifying any paper or writ, such fee
 21 as shall be prescribed by the district court.

22 (b) The fees for entries, certificates and other papers required in
 23 naturalization cases shall be those prescribed by the federal government
 24 and, when collected, shall be disbursed as prescribed by the federal
 25 government. The clerk of the court shall remit to the state treasurer at least
 26 monthly all moneys received from fees prescribed by subsection (a) or (b)
 27 or received for any services performed which may be required by law. The
 28 state treasurer shall deposit the remittance in the state treasury and credit
 29 the entire amount to the state general fund.

30 (c) In actions pursuant to the revised Kansas code for care of
 31 children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the
 32 revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,
 33 and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-
 34 4001 et seq., and amendments thereto, the act for treatment of drug abuse,
 35 K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment
 36 act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments
 37 thereto, the clerk shall charge an additional fee of \$1 which shall be
 38 deducted from the docket fee and credited to the prosecuting attorneys'
 39 training fund as provided in K.S.A. 28-170a, and amendments thereto.

40 ~~(d) In actions pursuant to the revised Kansas code for care of~~
 41 ~~children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the~~
 42 ~~revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq.,~~
 43 ~~and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-~~

1 ~~4001 et seq., and amendments thereto, the act for treatment of drug abuse,~~
 2 ~~K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment~~
 3 ~~act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments~~
 4 ~~thereto, the clerk shall charge an additional fee of \$.50 which shall be~~
 5 ~~deducted from the docket fee and credited to the indigents' defense~~
 6 ~~services fund as provided in K.S.A. 28-172b, and amendments thereto.~~

7 (e) Except as provided further, the bond, lien or judgment fee
 8 established in subsection (a) shall be the only fee collected or moneys in
 9 the nature of a fee collected for such bond, lien or judgment. Such fee shall
 10 only be established by an act of the legislature and no other authority is
 11 established by law or otherwise to collect a fee. On and after ~~the effective~~
 12 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
 13 the supreme court may impose an additional charge, not to exceed \$22 per
 14 bond, lien or judgment fee, to fund the costs of non-judicial personnel.

15 Sec. 10. K.S.A. 2012 Supp. 28-172a is hereby amended to read as
 16 follows: 28-172a. (a) Except as otherwise provided in this section,
 17 whenever the prosecuting witness or defendant is adjudged to pay the costs
 18 in a criminal proceeding in any county, a docket fee shall be taxed as
 19 follows:

20 (1) ~~On and after July 1, 2009 through June 30, 2013:~~

21 Murder or manslaughter.....	\$182.50
22 Other felony.....	173.00
23 Misdemeanor.....	138.00
24 Forfeited recognizance.....	74.50
25 Appeals from other courts.....	74.50

26 (2) On and after July 1, 2013:

27 Murder or manslaughter.....	\$180.50
28 Other felony.....	171.00
29 Misdemeanor.....	136.00
30 Forfeited recognizance.....	72.50
31 Appeals from other courts.....	72.50

32 (b) (1) Except as provided in paragraph (2), in actions involving the
 33 violation of any of the laws of this state regulating traffic on highways,
 34 including those listed in subsection (c) of K.S.A. 8-2118, and amendments
 35 thereto, a cigarette or tobacco infraction, any act declared a crime pursuant
 36 to the statutes contained in chapter 32 of the Kansas Statutes Annotated,
 37 and amendments thereto, or any act declared a crime pursuant to the
 38 statutes contained in article 8 of chapter 82a of the Kansas Statutes
 39 Annotated, and amendments thereto, whenever the prosecuting witness or
 40 defendant is adjudged to pay the costs in the action, ~~on and after July 1,~~
 41 ~~2009 through June 30, 2013, a docket fee of \$76 shall be charged, and~~ on
 42 and after July 1, 2013, a docket fee of \$74 shall be charged. When an
 43 action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or

1 subsection (f) of K.S.A. 79-3393, and amendments thereto, ~~on and after~~
2 ~~July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs~~
3 ~~shall be \$76, and on and after July 1, 2013, the docket fee to be paid as~~
4 ~~court costs shall be \$74.~~

5 (2) In actions involving the violation of a moving traffic violation
6 under K.S.A. 8-2118, and amendments thereto, as defined by rules and
7 regulations adopted under K.S.A. 8-249, and amendments thereto,
8 whenever the prosecuting witness or defendant is adjudged to pay the costs
9 in the action, ~~on and after July 1, 2009 through June 30, 2013, a docket fee~~
10 ~~of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74~~
11 ~~shall be charged. When an action is disposed of under subsection (a) and~~
12 ~~(b) of K.S.A. 8-2118, and amendments thereto, on and after July 1, 2009~~
13 ~~through June 30, 2013, the docket fee to be paid as court costs shall be~~
14 ~~\$76, and on and after July 1, 2013, the docket fee to be paid as court costs~~
15 ~~shall be \$74.~~

16 (c) If a conviction is on more than one count, the docket fee shall be
17 the highest one applicable to any one of the counts. The prosecuting
18 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
19 defendants shall each pay one fee.

20 (d) ~~Statutory charges for law library funds, the law enforcement~~
21 ~~training center fund, the prosecuting attorneys' training fund, the juvenile~~
22 ~~detention facilities fund, the judicial branch education fund, the emergency~~
23 ~~medical services operating fund and the judiciary technology fund made~~
24 ~~pursuant to the provisions of K.S.A. 20-362, and amendments thereto, shall~~
25 ~~be paid from the docket fee; the family violence and child abuse and~~
26 ~~neglect assistance and prevention fund fee shall be paid from criminal~~
27 ~~proceedings docket fees. All other fees and expenses to be assessed as~~
28 ~~additional court costs shall be approved by the court, unless specifically~~
29 ~~fixed by statute. Additional fees shall include, but are not limited to, fees~~
30 ~~for Kansas bureau of investigation forensic or laboratory analyses, fees for~~
31 ~~detention facility processing pursuant to K.S.A. 12-16,119, and~~
32 ~~amendments thereto, fees for the sexual assault evidence collection kit,~~
33 ~~fees for conducting an examination of a sexual assault victim, fees for~~
34 ~~service of process outside the state, witness fees, fees for transcripts and~~
35 ~~depositions, costs from other courts, doctors' fees and examination and~~
36 ~~evaluation fees. No sheriff in this state shall charge any district court of~~
37 ~~this state a fee or mileage for serving any paper or process.~~

38 (e) In each case charging a violation of the laws relating to parking of
39 motor vehicles on the statehouse grounds or other state-owned or operated
40 property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and
41 amendments thereto, or as specified in K.S.A. 75-4508, and amendments
42 thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs
43 in the case, except that witness fees, mileage and expenses incurred in

1 serving a warrant shall be in addition to the fee. Appearance bond for a
2 parking violation of K.S.A. 75-4508 or 75-4510a, and amendments
3 thereto, shall be \$3, unless a warrant is issued. The judge may order the
4 bond forfeited upon the defendant's failure to appear, and \$2 of any bond
5 so forfeited shall be regarded as court costs.

6 (f) Except as provided further, the docket fee established in this
7 section shall be the only fee collected or moneys in the nature of a fee
8 collected for the docket fee. Such fee shall only be established by an act of
9 the legislature and no other authority is established by law or otherwise to
10 collect a fee. On and after ~~the effective date of this act through June 30,~~
11 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
12 additional charge, not to exceed \$22 per docket fee, to fund the costs of
13 non-judicial personnel.

14 Sec. 11. K.S.A. 2012 Supp. 28-172b is hereby amended to read as
15 follows: 28-172b. (a) There is hereby established in the state treasury an
16 indigents' defense services fund.

17 (b) ~~The clerk of the district court shall charge a fee of \$.50 in each~~
18 ~~criminal case, to be deducted from the docket fee as provided in K.S.A.~~
19 ~~28-172a, and amendments thereto, and shall charge a fee of \$.50 in each~~
20 ~~case pursuant to the revised Kansas code for care of children or the revised~~
21 ~~Kansas juvenile justice code and each mental illness, drug abuse or~~
22 ~~alcoholism treatment action as provided by subsection (d) of K.S.A. 28-~~
23 ~~170, and amendments thereto. The clerk of the district court shall remit all~~
24 ~~such fees received to the state treasurer in accordance with the provisions~~
25 ~~of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
26 ~~remittance, the state treasurer shall deposit the entire amount in the state~~
27 ~~treasury to the credit of the indigents' defense services fund.~~

28 (c) Moneys in the indigents' defense services fund shall be used
29 exclusively to provide counsel and related services for indigent
30 defendants. Expenditures from such fund shall be made in accordance with
31 appropriation acts upon warrants of the director of accounts and reports
32 issued pursuant to vouchers approved by the chairperson of the state board
33 of indigents' defense services or a person designated by the chairperson.

34 Sec. 12. K.S.A. 2012 Supp. 28-177 is hereby amended to read as
35 follows: 28-177. (a) Except as provided in this section and K.S.A. 2012
36 Supp. 28-178, and amendments thereto, the fees established by legislative
37 enactment shall be the only fee collected or moneys in the nature of a fee
38 collected for court procedures. Such fee shall only be established by an act
39 of the legislature and no other authority is established by law or otherwise
40 to collect a fee. Court procedures shall include docket fees, filing fees or
41 other fees related to access to court procedures. On and after ~~the effective~~
42 ~~date of this act through June 30,~~ *July 1, 2013, through July 1, 2015*,
43 the supreme court may impose an additional charge, not to exceed \$26.50

1 per fee or the amount established by the applicable statute, whichever
2 amount is less, to fund the costs of non-judicial personnel.

3 (b) Such additional charge imposed by the court pursuant to K.S.A. 8-
4 2107, 8-2110, 22-2410, ~~23-108a~~, 28-170, 28-172a, 59-104, 60-2001, 60-
5 2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2012 Supp. 21-6614, 23-
6 2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and
7 amendments thereto, shall be remitted to the state treasurer in accordance
8 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
9 receipt of each such remittance, the state treasurer shall deposit the entire
10 amount in the state treasury to the credit of the judicial branch ~~surcharge~~
11 *docket fee* fund, which is hereby created in the state treasury.

12 (c) All moneys credited to the judicial branch ~~surcharge~~ *docket fee*
13 fund shall be used for compensation of non-judicial personnel and shall
14 not be expended for compensation of judges or justices of the judicial
15 branch.

16 (d) All expenditures from the judicial branch ~~surcharge~~ *docket fee*
17 fund shall be made in accordance with appropriation acts and upon
18 warrants of the director of accounts and reports issued pursuant to payrolls
19 approved by the chief justice of the Kansas supreme court or by a person
20 or persons designated by the chief justice.

21 (e) *On the effective date of this act:*

22 (1) *The director of accounts and reports shall transfer all moneys in*
23 *the judicial branch surcharge fund to the judicial branch docket fee fund;*

24 (2) *all liabilities of the judicial branch surcharge fund existing prior*
25 *to that date are hereby imposed on the judicial branch docket fee fund;*
26 *and*

27 (3) *the judicial branch surcharge fund is hereby abolished.*

28 Sec. 13. K.S.A. 2012 Supp. 28-178 is hereby amended to read as
29 follows: 28-178. (a) In addition to any other fees specifically prescribed by
30 law, on and after ~~the effective date of this act through June 30, 2013~~ *July*
31 *1, 2013, through July 1, 2015*, the supreme court may impose a charge, not
32 to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on
33 the following:

34 (1) A person who requests an order or writ of execution pursuant to
35 K.S.A. 60-2401 or 61-3602, and amendments thereto.

36 (2) Persons who request a hearing in aid of execution pursuant to
37 K.S.A. 60-2419, and amendments thereto.

38 (3) A person requesting an order for garnishment pursuant to article 7
39 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto,
40 or article 35 of chapter 61 of the Kansas Statutes Annotated, and
41 amendments thereto.

42 (4) Persons who request a writ or order of sale pursuant to K.S.A. 60-
43 2401 or 61-3602, and amendments thereto.

1 (5) A person who requests a hearing in aid of execution pursuant to
2 K.S.A. 61-3604, and amendments thereto.

3 (6) A person who requests an attachment against the property of a
4 defendant or any one or more of several defendants pursuant to K.S.A. 60-
5 701 or 61-3501, and amendments thereto.

6 (b) The clerk of the district court shall remit all revenues received
7 from the fees imposed pursuant to subsection (a) to the state treasurer, in
8 accordance with the provisions of K.S.A. 75-4215, and amendments
9 thereto. Upon receipt of each such remittance, the state treasurer shall
10 deposit the entire amount in the state treasury to the credit of the judicial
11 branch ~~surcharge~~ *docket fee* fund.

12 (c) The fees established in this section shall be the only fee collected
13 or moneys in the nature of a fee collected for such court procedures. Such
14 fee shall only be established by an act of the legislature and no other
15 authority is established by law or otherwise to collect a fee.

16 Sec. 14. K.S.A. 2012 Supp. 28-179 is hereby amended to read as
17 follows: 28-179. (a) No post-decree motion petitioning for a modification
18 or termination of separate maintenance, for a change in legal custody,
19 residency, visitation rights or parenting time or for a modification of child
20 support shall be filed or docketed in the district court without payment of a
21 docket fee in the amount of ~~\$42 on and after July 1, 2009 through June 30,~~
22 ~~2013, and \$40 on and after July 1, 2013,~~ to the clerk of the district court.

23 (b) A poverty affidavit may be filed in lieu of a docket fee as
24 established in K.S.A. 60-2001, and amendments thereto.

25 (c) The docket fee shall be the only costs assessed in each case for
26 services of the clerk of the district court and the sheriff. The docket fee
27 shall be disbursed in accordance with subsection ~~(f)~~ *(e)* of K.S.A. 20-362,
28 and amendments thereto.

29 (d) Except as provided further, the docket fee established in this
30 section shall be the only fee collected or moneys in the nature of a fee
31 collected for the docket fee. Such fee shall only be established by an act of
32 the legislature and no other authority is established by law or otherwise to
33 collect a fee. On and after ~~the effective date of this act through June 30,~~
34 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
35 additional charge, not to exceed \$22 per docket fee, to fund the costs of
36 non-judicial personnel.

37 Sec. 15. K.S.A. 2012 Supp. 32-1049a is hereby amended to read as
38 follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism
39 citation means failure to:

40 (1) Appear before any district court in response to a wildlife, parks
41 and tourism citation and pay in full any fine, court costs, assessments or
42 fees imposed;

43 (2) fully pay or satisfy all fines, court costs, assessments or fees

1 imposed as a part of the sentence of any district court for violation of the
2 wildlife, parks and tourism laws of this state; or

3 (3) otherwise comply with a wildlife, parks and tourism citation as
4 provided in K.S.A. 32-1049, and amendments thereto.

5 Failure to comply with a wildlife, parks and tourism citation is a class
6 C misdemeanor, regardless of the disposition of the charge for which such
7 citation, complaint or charge was originally issued.

8 (b) The term "citation" means any complaint, summons, notice to
9 appear, ticket, warrant, penalty assessment or other official document
10 issued for the prosecution of the wildlife, parks and tourism laws or rules
11 and regulations of this state.

12 (c) In addition to penalties of law applicable under subsection (a)
13 when a person fails to comply with a wildlife, parks and tourism citation
14 or sentence for a violation of wildlife, parks and tourism laws or rules and
15 regulations, the district court in which the person should have complied
16 shall mail a notice to the person that if the person does not appear in the
17 district court or pay all fines, court costs, assessments or fees, and any
18 penalties imposed within 30 days from the date of mailing, the Kansas
19 department of wildlife, parks and tourism shall be notified to forfeit or
20 suspend any license, permit, stamp or other issue of the department. Upon
21 receipt of a report of a failure to comply with a wildlife, parks and tourism
22 citation under this section, and amendments thereto, the department shall
23 notify the violator and suspend or forfeit the license, permit, stamp or
24 other issue of the department held by the violator until satisfactory
25 evidence of compliance with the wildlife, parks and tourism citation or
26 sentence of the district court for violation of the wildlife, parks and
27 tourism laws or rules and regulations of this state are furnished to the
28 informing court. Upon receipt of notification of such compliance from the
29 informing court, the department shall terminate the suspension action,
30 unless the violator is otherwise suspended.

31 (d) Except as provided in subsection (e), when the district court
32 notifies the department of a failure to comply with a wildlife, parks and
33 tourism citation or failure to comply with a sentence of the district court
34 imposed on violation of a wildlife, parks and tourism law or rule and
35 regulation, the court shall assess a reinstatement fee of \$50 for each charge
36 or sentence on which the person failed to make satisfaction, regardless of
37 the disposition of the charge for which such citation was originally issued.
38 Such reinstatement fee shall be in addition to any fine, court costs and
39 other assessments, fees or penalties. The court shall remit all reinstatement
40 fees to the state treasurer in accordance with the provisions of K.S.A. 75-
41 4215, and amendments thereto. Upon receipt of each remittance, the state
42 treasurer shall deposit the entire amount in the state treasury and shall
43 credit such moneys to the state general fund.

1 (e) The district court shall waive the reinstatement fee provided for in
2 subsection (d), if the failure to comply with a wildlife, parks and tourism
3 citation was the result of such person enlisting in or being drafted into the
4 armed services of the United States of America, being called into service
5 as a member of a reserve component of the military service of the United
6 States of America, or volunteering for such active duty or being called into
7 service as a member of the Kansas national guard or volunteering for such
8 active duty and being absent from Kansas because of such military service.
9 The state treasurer and the director of accounts and reports shall prescribe
10 procedures for all such reimbursement payments and shall create
11 appropriate accounts, make appropriate accounting entries and issue such
12 appropriate vouchers and warrants as may be required to make such
13 reimbursement payments.

14 (f) Except as provided further, the reinstatement fee established in
15 subsection (d) shall be the only fee collected or moneys in the nature of a
16 fee collected for such reinstatement. Such fee shall only be established by
17 an act of the legislature and no other authority is established by law or
18 otherwise to collect a fee. On and after ~~the effective date of this act~~
19 ~~through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
20 court may impose an additional charge, not to exceed \$22 per
21 reinstatement fee, to fund the costs of non-judicial personnel.

22 Sec. 16. K.S.A. 2012 Supp. 38-2215 is hereby amended to read as
23 follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under
24 this code, if one is assessed as provided in this section, shall be \$34. Only
25 one docket fee shall be assessed in each case. Except as provided further,
26 the docket fee established in this section shall be the only fee collected or
27 moneys in the nature of a fee collected for the docket fee. Such fee shall
28 only be established by an act of the legislature and no other authority is
29 established by law or otherwise to collect a fee. On and after ~~the effective~~
30 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*,
31 the supreme court may impose an additional charge, not to exceed \$22 per
32 docket fee, to fund the costs of non-judicial personnel.

33 (b) *Expenses*. The expenses for proceedings under this code,
34 including fees and mileage allowed witnesses and fees and expenses
35 approved by the court for appointed attorneys, shall be paid by the board
36 of county commissioners from the general fund of the county.

37 (c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket
38 fee may be assessed or waived by the court conducting the initial
39 dispositional hearing and the docket fee may be assessed against the
40 complaining witness or person initiating the proceedings or a party or
41 interested party other than the state, a political subdivision of the state, an
42 agency of the state or of a political subdivision of the state, or a person
43 acting in the capacity of an employee of the state or of a political

1 subdivision of the state. Any docket fee received shall be remitted to the
2 state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

3 (2) *Expenses.* Expenses may be assessed against the complaining
4 witness, a person initiating the proceedings, a party or an interested party,
5 other than the state, a political subdivision of the state, an agency of the
6 state or of a political subdivision of the state or a person acting in the
7 capacity of an employee of the state or of a political subdivision of the
8 state. When expenses are recovered from a person against whom they have
9 been assessed the general fund of the county shall be reimbursed in the
10 amount of the recovery. If it appears to the court in any proceedings under
11 this code that expenses were unreasonably incurred at the request of any
12 party the court may assess that portion of the expenses against the party.

13 (d) *Cases in which venue is transferred.* If venue is transferred from
14 one county to another, the court from which the case is transferred shall
15 send to the receiving court a statement of expenses paid from the general
16 fund of the sending county. If the receiving court collects any of the
17 expenses owed in the case, the receiving court shall pay to the sending
18 court an amount proportional to the sending court's share of the total
19 expenses owed to both counties. The expenses of the sending county shall
20 not be an obligation of the receiving county except to the extent that the
21 sending county's proportion of the expenses is collected by the receiving
22 court. All amounts collected shall first be applied toward payment of the
23 docket fee.

24 Sec. 17. K.S.A. 2012 Supp. 38-2312 is hereby amended to read as
25 follows: 38-2312. (a) Except as provided in subsection (b) and (c), any
26 records or files specified in this code concerning a juvenile may be
27 expunged upon application to a judge of the court of the county in which
28 the records or files are maintained. The application for expungement may
29 be made by the juvenile, if 18 years of age or older or, if the juvenile is
30 less than 18 years of age, by the juvenile's parent or next friend.

31 (b) There shall be no expungement of records or files concerning acts
32 committed by a juvenile which, if committed by an adult, would constitute
33 a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-
34 5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402,
35 prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments
36 thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal,
37 or K.S.A. 2012 Supp. 21-5404, and amendments thereto, voluntary
38 manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp.
39 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-
40 3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments
41 thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection
42 (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto,
43 involuntary manslaughter while driving under the influence of alcohol or

1 drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503,
2 and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or
3 subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,
4 indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or
5 subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto,
6 aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its
7 repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments
8 thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal,
9 or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,
10 indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or
11 subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto,
12 aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its
13 repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, sexual
14 exploitation; K.S.A. 21-3603, prior to its repeal, or subsection (b) of
15 K.S.A. 2012 Supp. 21-5604, and amendments thereto, aggravated incest;
16 K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp.
17 21-5601, and amendments thereto, endangering a child; K.S.A. 21-3609,
18 prior to its repeal, or K.S.A. 2012 Supp. 21-5602, and amendments
19 thereto, abuse of a child; or which would constitute an attempt to commit a
20 violation of any of the offenses specified in this subsection.

21 (c) Notwithstanding any other law to the contrary, for any offender
22 who is required to register as provided in the Kansas offender registration
23 act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no
24 expungement of any conviction or any part of the offender's criminal
25 record while the offender is required to register as provided in the Kansas
26 offender registration act.

27 (d) When a petition for expungement is filed, the court shall set a date
28 for a hearing on the petition and shall give notice thereof to the county or
29 district attorney. The petition shall state: (1) The juvenile's full name; (2)
30 the full name of the juvenile as reflected in the court record, if different
31 than (1); (3) the juvenile's sex and date of birth; (4) the offense for which
32 the juvenile was adjudicated; (5) the date of the trial; and (6) the identity
33 of the trial court. Except as otherwise provided by law, a petition for
34 expungement shall be accompanied by a docket fee in the amount of \$100.
35 ~~On and after the effective date of this act through June 30, 2013~~ *July 1,*
36 *2013, through July 1, 2015,* the supreme court may impose a charge, not to
37 exceed \$19 per case, to fund the costs of non-judicial personnel. All
38 petitions for expungement shall be docketed in the original action. Any
39 person who may have relevant information about the petitioner may testify
40 at the hearing. The court may inquire into the background of the petitioner.

41 (e) (1) After hearing, the court shall order the expungement of the
42 records and files if the court finds that:

43 (A) The juvenile has reached 23 years of age or that two years have

1 elapsed since the final discharge;

2 (B) since the final discharge of the juvenile, the juvenile has not been
3 convicted of a felony or of a misdemeanor other than a traffic offense or
4 adjudicated as a juvenile offender under the revised Kansas juvenile justice
5 code and no proceedings are pending seeking such a conviction or
6 adjudication; and

7 (C) the circumstances and behavior of the petitioner warrant
8 expungement.

9 (2) The court may require that all court costs, fees and restitution
10 shall be paid.

11 (f) Upon entry of an order expunging records or files, the offense
12 which the records or files concern shall be treated as if it never occurred,
13 except that upon conviction of a crime or adjudication in a subsequent
14 action under this code the offense may be considered in determining the
15 sentence to be imposed. The petitioner, the court and all law enforcement
16 officers and other public offices and agencies shall properly reply on
17 inquiry that no record or file exists with respect to the juvenile. Inspection
18 of the expunged files or records thereafter may be permitted by order of
19 the court upon petition by the person who is the subject thereof. The
20 inspection shall be limited to inspection by the person who is the subject of
21 the files or records and the person's designees.

22 (g) A certified copy of any order made pursuant to subsection (a) or
23 (d) shall be sent to the Kansas bureau of investigation, which shall notify
24 every juvenile or criminal justice agency which may possess records or
25 files ordered to be expunged. If the agency fails to comply with the order
26 within a reasonable time after its receipt, such agency may be adjudged in
27 contempt of court and punished accordingly.

28 (h) The court shall inform any juvenile who has been adjudicated a
29 juvenile offender of the provisions of this section.

30 (i) Nothing in this section shall be construed to prohibit the
31 maintenance of information relating to an offense after records or files
32 concerning the offense have been expunged if the information is kept in a
33 manner that does not enable identification of the juvenile.

34 (j) Nothing in this section shall be construed to permit or require
35 expungement of files or records related to a child support order registered
36 pursuant to the revised Kansas juvenile justice code.

37 (k) Whenever the records or files of any adjudication have been
38 expunged under the provisions of this section, the custodian of the records
39 or files of adjudication relating to that offense shall not disclose the
40 existence of such records or files, except when requested by:

41 (1) The person whose record was expunged;

42 (2) a private detective agency or a private patrol operator, and the
43 request is accompanied by a statement that the request is being made in

1 conjunction with an application for employment with such agency or
2 operator by the person whose record has been expunged;

3 (3) a court, upon a showing of a subsequent conviction of the person
4 whose record has been expunged;

5 (4) the secretary ~~of social and rehabilitation~~ *for aging and disability*
6 services, or a designee of the secretary, for the purpose of obtaining
7 information relating to employment in an institution, as defined in K.S.A.
8 76-12a01, and amendments thereto, of the ~~Kansas department of social~~
9 ~~and rehabilitation~~ *for aging and disability* services of any person whose
10 record has been expunged;

11 (5) a person entitled to such information pursuant to the terms of the
12 expungement order;

13 (6) the Kansas lottery, and the request is accompanied by a statement
14 that the request is being made to aid in determining qualifications for
15 employment with the Kansas lottery or for work in sensitive areas within
16 the Kansas lottery as deemed appropriate by the executive director of the
17 Kansas lottery;

18 (7) the governor or the Kansas racing commission, or a designee of
19 the commission, and the request is accompanied by a statement that the
20 request is being made to aid in determining qualifications for executive
21 director of the commission, for employment with the commission, for
22 work in sensitive areas in parimutuel racing as deemed appropriate by the
23 executive director of the commission or for licensure, renewal of licensure
24 or continued licensure by the commission;

25 (8) the Kansas sentencing commission; or

26 (9) the Kansas bureau of investigation, for the purposes of:

27 (A) Completing a person's criminal history record information within
28 the central repository in accordance with K.S.A. 22-4701 et seq., and
29 amendments thereto; or

30 (B) providing information or documentation to the federal bureau of
31 investigation, in connection with the national instant criminal background
32 check system, to determine a person's qualification to possess a firearm.

33 (l) The provisions of subsection (k)(9) shall apply to all records
34 created prior to, on and after July 1, 2011.

35 Sec. 18. K.S.A. 2012 Supp. 38-2314 is hereby amended to read as
36 follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under
37 this code, if one is assessed as provided by this section, shall be \$34. Only
38 one docket fee shall be assessed in each case. Except as provided further,
39 the docket fee established in this section shall be the only fee collected or
40 moneys in the nature of a fee collected for the docket fee. Such fee shall
41 only be established by an act of the legislature and no other authority is
42 established by law or otherwise to collect a fee. On and after ~~the effective~~
43 ~~date of this act through June 30, 2013~~ *July 1, 2013, through July 1, 2015,*

1 the supreme court may impose an additional charge, not to exceed \$22 per
2 docket fee, to fund the costs of non-judicial personnel.

3 (b) *Expenses.* The expenses for proceedings under this code,
4 including fees and mileage allowed witnesses and fees and expenses
5 approved by the court for appointed attorneys, shall be paid by the board
6 of county commissioners from the general fund of the county.

7 (c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket
8 fee may be assessed or waived by the court conducting the initial
9 sentencing hearing and may be assessed against the juvenile or the parent
10 of the juvenile. Any docket fee received shall be remitted to the state
11 treasurer pursuant to K.S.A. 20-362, and amendments thereto.

12 (2) *Expenses.* Expenses may be waived or assessed against the
13 juvenile or a parent of the juvenile. When expenses are recovered from a
14 party against whom they have been assessed the general fund of the county
15 shall be reimbursed in the amount of the recovery.

16 (3) *Prohibited assessment.* Docket fees or expenses shall not be
17 assessed against the state, a political subdivision of the state, an agency of
18 the state or of a political subdivision of the state or a person acting in the
19 capacity of an employee of the state or of a political subdivision of the
20 state.

21 (d) *Cases in which venue is transferred.* If venue is transferred from
22 one county to another, the court from which the case is transferred shall
23 send to the receiving court a statement of expenses paid from the general
24 fund of the sending county. If the receiving court collects any of the
25 expenses owed in the case, the receiving court shall pay to the sending
26 court an amount proportional to the sending court's share of the total
27 expenses owed to both counties. The expenses of the sending county shall
28 not be an obligation of the receiving county except to the extent that the
29 sending county's proportionate share of the expenses is collected by the
30 receiving court. Unless otherwise ordered by the court, all amounts
31 collected shall first be applied toward payment of restitution, then toward
32 the payment of the docket fee.

33 Sec. 19. K.S.A. 2012 Supp. 59-104 is hereby amended to read as
34 follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law,
35 no case shall be filed or docketed in the district court under the provisions
36 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
37 or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated,
38 and amendments thereto, without payment of an appropriate docket fee as
39 follows:

40 ~~(A) — On and after July 1, 2009 through June 30, 2013:~~

41 Treatment of mentally ill.....\$59.00
42 Treatment of alcoholism or drug abuse.....36.50
43 Determination of descent of property.....51.50

1 Termination of life estate.....50.50
 2 Termination of joint tenancy50.50
 3 Refusal to grant letters of administration50.50
 4 Adoption.....50.50
 5 Filing a will and affidavit under K.S.A. 59-618a.....50.50
 6 Guardianship.....71.50
 7 Conservatorship.....71.50
 8 Trusteeship.....71.50
 9 Combined guardianship and conservatorship.....71.50
 10 Certified probate proceedings under K.S.A. 59-213,
 11 and amendments thereto.....25.50
 12 Decrees in probate from another state110.50
 13 Probate of an estate or of a will111.50
 14 Civil commitment under K.S.A. 59-29a01 et seq.35.50
 15 (B) On and after July 1, 2013:
 16 Treatment of mentally ill34.50
 17 Treatment of alcoholism or drug abuse34.50
 18 Determination of descent of property49.50
 19 Termination of life estate48.50
 20 Termination of joint tenancy48.50
 21 Refusal to grant letters of administration48.50
 22 Adoption.....48.50
 23 Filing a will and affidavit under K.S.A. 59-618a48.50
 24 Guardianship69.50
 25 Conservatorship69.50
 26 Trusteeship69.50
 27 Combined guardianship and conservatorship69.50
 28 Certified probate proceedings under K.S.A. 59-213,
 29 and amendments thereto23.50
 30 Decrees in probate from another state108.50
 31 Probate of an estate or of a will109.50
 32 Civil commitment under K.S.A. 59-29a01 et seq.33.50

33 (2) Except as provided further, the docket fee established in this
 34 section shall be the only fee collected or moneys in the nature of a fee
 35 collected for the docket fee. Such fee shall only be established by an act of
 36 the legislature and no other authority is established by law or otherwise to
 37 collect a fee. On and after ~~the effective date of this act through June 30,~~
 38 ~~2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an
 39 additional charge, not to exceed \$22 per docket fee, to fund the costs of
 40 non-judicial personnel.

41 (b) *Poverty affidavit in lieu of docket fee and exemptions.* The
 42 provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and
 43 amendments thereto, shall apply to probate docket fees prescribed by this

1 section.

2 (c) *Disposition of docket fee.* Statutory charges for the law library and
3 for the prosecuting attorneys' training fund shall be paid from the docket
4 fee. The remainder of the docket fee shall be paid to the state treasurer in
5 accordance with K.S.A. 20-362, and amendments thereto.

6 (d) *Additional court costs.* Other fees and expenses to be assessed as
7 additional court costs shall be approved by the court, unless specifically
8 fixed by statute. Other fees shall include, but not be limited to, witness
9 fees, appraiser fees, fees for service of process outside the state, fees for
10 depositions, transcripts and publication of legal notice, executor or
11 administrator fees, attorney fees, court costs from other courts and any
12 other fees and expenses required by statute. All additional court costs shall
13 be taxed and billed against the parties or estate as directed by the court. No
14 sheriff in this state shall charge any district court in this state a fee or
15 mileage for serving any paper or process.

16 Sec. 20. K.S.A. 2012 Supp. 60-2001 is hereby amended to read as
17 follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no
18 case shall be filed or docketed in the district court, whether original or
19 appealed, without payment of a docket fee in the amount of ~~\$156 on and~~
20 ~~after July 1, 2009 through June 30, 2013, and \$154 on and after July 1,~~
21 2013, to the clerk of the district court. Except as provided further, the
22 docket fee established in this subsection shall be the only fee collected or
23 moneys in the nature of a fee collected for the docket fee. Such fee shall
24 only be established by an act of the legislature and no other authority is
25 established by law or otherwise to collect a fee. On and after ~~the effective~~
26 ~~date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015,
27 the supreme court may impose an additional charge, not to exceed \$22 per
28 docket fee, to fund the costs of non-judicial personnel.

29 (b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case
30 where a plaintiff by reason of poverty is unable to pay a docket fee, and an
31 affidavit so stating is filed, no fee will be required. An inmate in the
32 custody of the secretary of corrections may file a poverty affidavit only if
33 the inmate attaches a statement disclosing the average account balance, or
34 the total deposits, whichever is less, in the inmate's trust fund for each
35 month in: (A) The six-month period preceding the filing of the action; or
36 (B) the current period of incarceration, whichever is shorter. Such
37 statement shall be certified by the secretary. On receipt of the affidavit and
38 attached statement, the court shall determine the initial fee to be assessed
39 for filing the action and in no event shall the court require an inmate to pay
40 less than \$3. The secretary of corrections is hereby authorized to disburse
41 money from the inmate's account to pay the costs as determined by the
42 court. If the inmate has a zero balance in such inmate's account, the
43 secretary shall debit such account in the amount of \$3 per filing fee as

1 established by the court until money is credited to the account to pay such
2 docket fee. Any initial filing fees assessed pursuant to this subsection shall
3 not prevent the court, pursuant to subsection (d), from taxing that
4 individual for the remainder of the amount required under subsection (a) or
5 this subsection.

6 (2) *Form of affidavit.* The affidavit provided for in this subsection
7 shall be in the following form and attached to the petition:

8 State of Kansas, _____ County.

9 In the district court of the county: I do solemnly swear that the claim
10 set forth in the petition herein is just, and I do further swear that, by reason
11 of my poverty, I am unable to pay a docket fee.

12 (c) *Disposition of fees.* The docket fees and the fees for service of
13 process shall be the only costs assessed in each case for services of the
14 clerk of the district court and the sheriff. For every person to be served by
15 the sheriff, the persons requesting service of process shall provide proper
16 payment to the clerk and the clerk of the district court shall forward the
17 service of process fee to the sheriff in accordance with K.S.A. 28-110, and
18 amendments thereto. The service of process fee, if paid by check or money
19 order, shall be made payable to the sheriff. Such service of process fee
20 shall be submitted by the sheriff at least monthly to the county treasurer
21 for deposit in the county treasury and credited to the county general fund.
22 The docket fee shall be disbursed in accordance with K.S.A. 20-362, and
23 amendments thereto.

24 (d) *Additional court costs.* Other fees and expenses to be assessed as
25 additional court costs shall be approved by the court, unless specifically
26 fixed by statute. Other fees shall include, but not be limited to, witness
27 fees, appraiser fees, fees for service of process, fees for depositions,
28 alternative dispute resolution fees, transcripts and publication, attorney
29 fees, court costs from other courts and any other fees and expenses
30 required by statute. All additional court costs shall be taxed and billed
31 against the parties as directed by the court. No sheriff in this state shall
32 charge any mileage for serving any papers or process.

33 Sec. 21. K.S.A. 2012 Supp. 60-2203a is hereby amended to read as
34 follows: 60-2203a. (a) After the commencement of any action in any
35 district court of this state, or the courts of the United States in the state of
36 Kansas or in any action now pending heretofore commenced in such
37 courts, which does not involve title to real estate, any party to such action
38 may give notice in any other county of the state of the pendency of the
39 action by filing for record with the clerk of the district court of such other
40 county a verified statement setting forth the parties to the action, the nature
41 of the action, the court in which it is pending, and the relief sought, which
42 shall impart notice of the pendency of the action and shall result in the
43 same lien rights as if the action were pending in that county. The lien shall

1 be effective from the time the statement is filed, but not to exceed four
2 months prior to the entry of judgment except as provided in subsection (c).
3 The party filing such notice shall within 30 days after any satisfaction of
4 the judgment entered in such action, or any other final disposition thereof,
5 cause to be filed with such clerk of the district court a notice that all claims
6 in such action are released. If the party filing fails or neglects to do so after
7 reasonable demand by any party in interest, such party shall be liable in
8 damages in the same amounts and manner as is provided by law for failure
9 of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such
10 a notice of the pendency of an action the clerk shall charge a fee of \$14
11 and shall enter and index the action in the same manner as for the filing of
12 an original action. Upon the filing of a notice of release, the notice shall
13 likewise be entered on the docket. Except as provided further, the fee
14 established in this subsection shall be the only fee collected or moneys in
15 the nature of a fee collected for the court procedure. Such fee shall only be
16 established by an act of the legislature and no other authority is established
17 by law or otherwise to collect a fee. On and after ~~the effective date of this~~
18 ~~act through June 30, 2013~~ *July 1, 2013, through July 1, 2015*, the supreme
19 court may impose an additional charge, not to exceed \$22 per fee, to fund
20 the costs of non-judicial personnel.

21 (b) Any notice of the type provided for in subsection (a) which was
22 filed on or after January 10, 1977, and prior to the effective date of this act
23 shall be deemed to impart notice of the pendency of the action in the same
24 manner as if the provisions of subsection (a) were in force and effect on
25 and after January 10, 1977.

26 (c) Notwithstanding the foregoing provisions of this section, the
27 filing of a notice of the pendency of an action pursuant to subsection (a)
28 shall create no lien rights against the property of an employee of the state
29 or a municipality prior to the date judgment is rendered if the pleadings in
30 the pending action allege a negligent or wrongful act or omission of the
31 employee while acting within the scope of such employee's employment,
32 regardless of whether or not it is alleged in the alternative that the
33 employee was acting outside of such employee's employment. A judgment
34 against an employee shall become a lien upon such employee's property in
35 the county where notice is filed pursuant to subsection (a) when the
36 judgment is rendered only if it is found that: (1) The employee's negligent
37 or wrongful act or omission occurred when the employee was acting
38 outside the scope of such employee's employment; or (2) the employee's
39 conduct which gave rise to the judgment was because of actual fraud or
40 actual malice of the employee. In such cases the lien shall not be effective
41 prior to the date judgment was rendered. As used in this subsection (c),
42 "employee" shall have the meaning ascribed to such term in K.S.A. 75-
43 6102, and amendments thereto.

1 Sec. 22. K.S.A. 2012 Supp. 61-2704 is hereby amended to read as
2 follows: 61-2704. (a) An action seeking the recovery of a small claim shall
3 be considered to have been commenced at the time a person files a written
4 statement of the person's small claim with the clerk of the court if, within
5 90 days after the small claim is filed, service of process is obtained or the
6 first publication is made for service by publication. Otherwise, the action
7 is deemed commenced at the time of service of process or first publication.
8 An entry of appearance shall have the same effect as service.

9 (b) Upon the filing of a plaintiff's small claim, the clerk of the court
10 shall require from the plaintiff a docket fee of ~~\$39 on and after July 1,~~
11 ~~2009 through June 30, 2013,~~ and \$37 on and after July 1, 2013, if the
12 claim does not exceed \$500; or ~~\$59 on and after July 1, 2009 through June~~
13 ~~30, 2013,~~ and \$57 on and after July 1, 2013, if the claim exceeds \$500;
14 unless for good cause shown the judge waives the fee. The docket fee shall
15 be the only costs required in an action seeking recovery of a small claim.
16 No person may file more than 20 small claims under this act in the same
17 court during any calendar year.

18 (c) Except as provided further, the docket fee established in this
19 section shall be the only fee collected or moneys in the nature of a fee
20 collected for the docket fee. Such fee shall only be established by an act of
21 the legislature and no other authority is established by law or otherwise to
22 collect a fee. On and after ~~the effective date of this act through June 30,~~
23 ~~2013~~ *July 1, 2013, through July 1, 2015*, the supreme court may impose an
24 additional charge, not to exceed \$12.50 per docket fee, to fund the costs of
25 non-judicial personnel.

26 Sec. 23. K.S.A. 2012 Supp. 61-4001 is hereby amended to read as
27 follows: 61-4001. (a) Docket fee. (1) No case shall be filed or docketed
28 pursuant to the code of civil procedure for limited actions without the
29 payment of a docket fee in the amount of ~~\$37 on and after July 1, 2009,~~
30 ~~through June 30, 2013,~~ and \$35 on and after July 1, 2013, if the amount in
31 controversy or claimed does not exceed \$500; ~~\$57 on and after July 1,~~
32 ~~2009, through June 30, 2013,~~ and \$55 on and after July 1, 2013, if the
33 amount in controversy or claimed exceeds \$500 but does not exceed
34 \$5,000; or ~~\$103 on and after July 1, 2009, through June 30, 2013,~~ and
35 \$101 on and after July 1, 2013, if the amount in controversy or claimed
36 exceeds \$5,000. If judgment is rendered for the plaintiff, the court also
37 may enter judgment for the plaintiff for the amount of the docket fee paid
38 by the plaintiff.

39 (2) Except as provided further, the docket fee established in this
40 section shall be the only fee collected or moneys in the nature of a fee
41 collected for the docket fee. Such fee shall only be established by an act of
42 the legislature and no other authority is established by law or otherwise to
43 collect a fee. On and after ~~the effective date of this act through June 30,~~

1 2013 July 1, 2013, through July 1, 2015, the supreme court may impose an
2 additional charge, not to exceed \$19 per docket fee, to fund the costs of
3 non-judicial personnel.

4 (b) Poverty affidavit; additional court costs; exemptions for the state
5 and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A.
6 60-2001 and 60-2005, and amendments thereto, shall be applicable to
7 lawsuits brought under the code of civil procedure for limited actions.

8 Sec. 24. K.S.A. 2012 Supp. 65-409 is hereby amended to read as
9 follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14
10 for entering and filing a lien statement under this act.

11 (b) Except as provided further, the lien fee established in subsection
12 (a) shall be the only fee collected or moneys in the nature of a fee collected
13 for such lien. Such fee shall only be established by an act of the legislature
14 and no other authority is established by law or otherwise to collect a fee.
15 On and after ~~the effective date of this act through June 30, 2013~~ July 1,
16 2013, through July 1, 2015, the supreme court may impose an additional
17 charge, not to exceed \$22 per lien fee, to fund the costs of non-judicial
18 personnel.

19 Sec. 25. K.S.A. 2012 Supp. 74-7325 is hereby amended to read as
20 follows: 74-7325. (a) There is hereby created in the state treasury the
21 protection from abuse fund. All moneys credited to the fund shall be used
22 solely for the purpose of making grants to programs providing: (1)
23 Temporary emergency shelter for adult victims of domestic abuse or
24 sexual assault and their dependent children; (2) counseling and assistance
25 to those victims and their children; or (3) educational services directed at
26 reducing the incidence of domestic abuse or sexual assault and
27 diminishing its impact on the victims. All moneys credited to the fund
28 ~~pursuant to K.S.A. 20-367, and amendments thereto,~~ shall be used only for
29 on-going operating expenses of domestic violence programs. All moneys
30 credited to the fund pursuant to any increase in docket fees as provided by
31 this act as described in K.S.A. ~~20-367~~ and 60-2001, and amendments
32 thereto, shall not be awarded to programs until July 1, 2003, and shall be
33 used for ongoing operating expenses of domestic violence or sexual
34 assault programs.

35 (b) All expenditures from the protection from abuse fund shall be
36 made in accordance with appropriation acts upon warrants of the director
37 of accounts and reports issued pursuant to vouchers approved by the
38 attorney general or by a person or persons designated by the attorney
39 general.

40 (c) The attorney general may apply for, receive and accept moneys
41 from any source for the purposes for which moneys in the protection from
42 abuse fund may be expended. Upon receipt of any such moneys, the
43 attorney general shall remit the entire amount to the state treasurer in

1 accordance with the provisions of K.S.A. 75-4215, and amendments
2 thereto. Upon receipt of each such remittance, the state treasurer shall
3 deposit the entire amount in the state treasury to the credit of the protection
4 from abuse fund.

5 (d) Grants made to programs pursuant to this section shall be based
6 on the numbers of persons served by the program and shall be made only
7 to the city of Wichita or to agencies which are engaged, as their primary
8 function, in programs aimed at preventing domestic violence or sexual
9 assault or providing residential services or facilities to family or household
10 members who are victims of domestic violence or sexual assault. In order
11 for programs to qualify for funding under this section, they must:

12 (1) Meet the requirements of section 501(c) of the internal revenue
13 code of 1986;

14 (2) be registered and in good standing as a nonprofit corporation;

15 (3) meet normally accepted standards for nonprofit organizations;

16 (4) have trustees who represent the racial, ethnic and socioeconomic
17 diversity of the county or counties served;

18 (5) have received 50% or more of their funds from sources other than
19 funds distributed through the fund, which other sources may be public or
20 private and may include contributions of goods or services, including
21 materials, commodities, transportation, office space or other types of
22 facilities or personal services;

23 (6) demonstrate ability to successfully administer programs;

24 (7) make available an independent certified audit of the previous
25 year's financial records;

26 (8) have obtained appropriate licensing or certification, or both;

27 (9) serve a significant number of residents of the county or counties
28 served;

29 (10) not unnecessarily duplicate services already adequately provided
30 to county residents; and

31 (11) agree to comply with reporting requirements of the attorney
32 general.

33 The attorney general may adopt rules and regulations establishing
34 additional standards for eligibility and accountability for grants made
35 pursuant to this section.

36 (e) As used in this section:

37 (1) "Domestic abuse" means abuse as defined by the protection from
38 abuse act (, K.S.A. 60-3101 et seq., and amendments thereto).

39 (2) "Sexual assault" means acts defined in article 35 of chapter 21 of
40 the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter
41 21 of the Kansas Statutes Annotated, or K.S.A. 2012 Supp. 21-6419
42 through 21-6421, and amendments thereto.

43 (f) On or before the 10th day of each month, the director of accounts

1 and reports shall transfer from the state general fund to the protection from
2 abuse fund interest earnings based on:

3 (1) The average daily balance of moneys in the protection from abuse
4 fund for the preceding month; and

5 (2) the net earnings rate for the pooled money investment portfolio
6 for the preceding month.

7 Sec. 26. K.S.A. 2012 Supp. 74-7334 is hereby amended to read as
8 follows: 74-7334. (a) There is hereby created in the state treasury the
9 crime victims assistance fund. All moneys credited to the fund pursuant to
10 K.S.A. 12-4117, 19-101e; *and* 19-4707 ~~and 20-367~~, and amendments
11 thereto, shall be used solely for the purpose of making grants for on-going
12 operating expenses of programs, including court-appointed special
13 advocate programs, providing: (1) Temporary emergency shelter for
14 victims of child abuse and neglect; (2) counseling and assistance to those
15 victims; or (3) educational services directed at reducing the incidence of
16 child abuse and neglect and diminishing its impact on the victim. The
17 remainder of moneys credited to the fund shall be used for the purpose of
18 supporting the operation of state agency programs which provide services
19 to the victims of crime and making grants to existing programs or to
20 establish and maintain new programs providing services to the victims of
21 crime.

22 (b) All expenditures from the crime victims assistance fund shall be
23 made in accordance with appropriations acts upon warrants of the director
24 of accounts and reports issued pursuant to vouchers approved by the
25 attorney general or by a person or persons designated by the attorney
26 general.

27 (c) The attorney general may apply for, receive and accept moneys
28 from any source for the purposes for which moneys in the crime victims
29 assistance fund may be expended. Upon receipt of any such moneys, the
30 attorney general shall remit the entire amount to the state treasurer in
31 accordance with the provisions of K.S.A. 75-4215, and amendments
32 thereto. Upon receipt of each such remittance, the state treasurer shall
33 deposit the entire amount in the state treasury to the credit of the crime
34 victims assistance fund.

35 (d) Grants made to programs with funds derived from K.S.A. 12-
36 4117, 19-101e; *and* 19-4707 ~~and 20-367~~, and amendments thereto, shall be
37 based on the numbers of persons served by the program and shall be made
38 only to programs aimed at preventing child abuse and neglect or providing
39 residential services or facilities to victims of child abuse or neglect. In
40 order for programs to qualify for funding under this section, they must:

41 (1) Meet the requirements of section 501(c) of the internal revenue
42 code of 1986;

43 (2) be registered and in good standing as a nonprofit corporation;

- 1 (3) meet normally accepted standards for nonprofit organizations;
- 2 (4) have trustees who represent the racial, ethnic and socioeconomic
3 diversity of the county or counties served;
- 4 (5) have received 50% or more of their funds from sources other than
5 funds distributed through the fund, which other sources may be public or
6 private and may include contributions of goods or services, including
7 materials, commodities, transportation, office space or other types of
8 facilities or personal services;
- 9 (6) demonstrate ability to successfully administer programs;
- 10 (7) make available an independent certified audit of the previous
11 year's financial records;
- 12 (8) have obtained appropriate licensing or certification, or both;
- 13 (9) serve a significant number of residents of the county or counties
14 served;
- 15 (10) not unnecessarily duplicate services already adequately provided
16 to county residents; and
- 17 (11) agree to comply with reporting requirements of the attorney
18 general.

19 The attorney general may adopt rules and regulations establishing
20 additional standards for eligibility and accountability for grants made
21 pursuant to this section.

22 (e) All moneys credited to the fund pursuant to K.S.A. 2012 Supp.
23 23-2510, and amendments thereto, shall be set aside to use as matching
24 funds for meeting any federal requirement for the purpose of establishing
25 child exchange and visitation centers as provided in K.S.A. 75-720, and
26 amendments thereto. If no federal funds are made available to the state for
27 the purpose of establishing such child exchange and visitation centers, then
28 such moneys may be used as otherwise provided in this section. Only
29 those moneys credited to the fund pursuant to K.S.A. 2012 Supp. 23-2510,
30 and amendments thereto, may be used for such matching funds. No state
31 general fund moneys shall be used for such matching funds.

32 Sec. 27. K.S.A. 2012 Supp. 75-7021 is hereby amended to read as
33 follows: 75-7021. (a) There is hereby created in the state treasury the
34 Kansas juvenile delinquency prevention trust fund. Money credited to the
35 Kansas juvenile delinquency prevention trust fund ~~pursuant to K.S.A. 20-~~
36 ~~367, and amendments thereto, or by any other lawful means~~ shall be used
37 solely for the purpose of making grants to further the purpose of juvenile
38 justice reform, including rational prevention programs and programs for
39 treatment and rehabilitation of juveniles and to further the partnership
40 between state and local communities. Such treatment and rehabilitation
41 programs should aim to combine accountability and sanctions with
42 increasingly intensive treatment and rehabilitation services with an aim to
43 provide greater public safety and provide intervention that will be uniform

1 and consistent.

2 (b) All expenditures from the Kansas juvenile delinquency prevention
3 trust fund shall be made in accordance with appropriations acts upon
4 warrants of the director of accounts and reports issued pursuant to
5 vouchers approved by the commissioner of juvenile justice or by a person
6 or persons designated by the commissioner.

7 (c) The commissioner of juvenile justice may apply for, receive and
8 accept money from any source for the purposes for which money in the
9 Kansas juvenile delinquency prevention trust fund may be expended.
10 Upon receipt of any such money, the commissioner shall remit the entire
11 amount to the state treasurer in accordance with the provisions of K.S.A.
12 75-4215, and amendments thereto. Upon receipt of each such remittance,
13 the state treasurer shall deposit the entire amount in the state treasury to
14 the credit of the Kansas juvenile delinquency prevention trust fund.

15 (d) Grants made to programs pursuant to this section shall be based
16 on the number of persons to be served and such other requirements as may
17 be established by the Kansas advisory group on juvenile justice and
18 delinquency prevention in guidelines established and promulgated to
19 regulate grants made under authority of this section. The guidelines may
20 include requirements for grant applications, organizational characteristics,
21 reporting and auditing criteria and such other standards for eligibility and
22 accountability as are deemed advisable by the Kansas advisory group on
23 juvenile justice and delinquency prevention.

24 (e) On or before the 10th of each month, the director of accounts and
25 reports shall transfer from the state general fund to the Kansas juvenile
26 delinquency prevention trust fund interest earnings based on:

27 (1) The average daily balance of moneys in the Kansas juvenile
28 delinquency prevention trust fund for the preceding month; and

29 (2) the net earnings rate of the pooled money investment portfolio for
30 the preceding month.

31 (f) On and after the effective date of this act, the Kansas endowment
32 for youth trust fund created by this section prior to amendment by this act
33 is hereby redesignated as the Kansas juvenile delinquency prevention trust
34 fund. On and after the effective date of this act, whenever the Kansas
35 endowment for youth trust fund created by this section prior to amendment
36 by this act, or words of like effect, is referred to or designated by a statute,
37 contract or other document such reference or designation shall be deemed
38 to apply to the Kansas juvenile delinquency prevention trust fund.

39 Sec. 28. K.S.A. 5-517 and 20-166 and K.S.A. 2012 Supp. 8-2107, 8-
40 2110, 20-362, 20-367, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-
41 172b, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-
42 104, 60-2001, 60-2203a, 61-2704, 61-4001, 65-409, 74-7325, 74-7334 and
43 75-7021 are hereby repealed.

1 Sec. 29. This act shall take effect and be in force from and after its
2 publication in the statute book.